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Liquor official: Harrington's business plan 'not legal'

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Posted: Thursday, December 17, 2015 11:00 pm

By Tracy Overstreet
tracy.overstreet@theindependent.com

Nebraska Liquor Control Commission Director Hobert Rupe said a business plan that would allow patrons of a Hastings strip club to bring their own beer to the club is not legal.

Rupe said Chapter 53 of the Nebraska Revised Statutes is clear about that. He specifically referenced section 53-186.01, which states: "It shall be unlawful for any person owning, operating, managing, or conducting any dance hall, restaurant, cafe, or club or any place open to the general public to permit or allow any person to consume alcoholic liquor upon the premises except as permitted by a license issued for such premises pursuant to the Nebraska Liquor Control Act."



Harrington maintains that allowing patrons to bring in their own beer is legal because the Midwest Girls Club is a private membership club, which means it's private property. He said it's not any different than inviting a friend over to one's home and the friend bringing a six-pack.

"I disagree," Rupe said.

The private membership aspect makes no difference, he said.

"Private golf courses have liquor licenses and that's why," Rupe said.

The statute states alcohol consumption is prohibited without a license for any "dance hall, restaurant, cafe, or club or any place open to the general public." The list says "or," not "and," so any of the five locations listed is subject to licensing.

Rupe said the statute goes on to say that it's illegal to be consuming and there are penalties — a Class IV misdemeanor for the first offense, a Class II misdemeanor for the second offense to be operating the club and a Class III misdemeanor to be consuming in the club.

That means Harrington as owner, and patrons in the club, could all be subject to fines.

Rupe said he has no enforcement power over Harrington's re-opening of the Midwest Girls Club at 8 p.m. Thursday. The club's website lists several events at the club on Thursday, Friday and Saturday evenings. Rupe said enforcement over the club will be subject to city police, local sheriff's deputies or the Nebraska State Patrol.

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"This is a criminal act, so if law enforcement believe they are in violation of the statute, they would need to go in and issue a ticket and then it would go to the county attorney," Rupe said.

He did say he has been contacted by law enforcement about the Midwest Girls Club in Hastings.

"I have had inquiries from law enforcement and I have pointed them to that statute," he said.

Rupe also said that Harrington's announcement that the club will give away alcohol at select events doesn't preclude him from having a liquor license for the club. Section 53-186.01 is based on consumption, not on alcohol sales.

Harrington opened the Midwest Girls Club Dec. 3, but it was closed after three nights due to zoning and liquor license concerns raised by the city of Hastings. The zoning issues were resolved after a Dec. 8 meeting and on Dec. 16 the liquor license was surrendered for The Shed, where the Midwest Girls Club is operating.

Hastings City Attorney Dave Ptak said that resolved the city's issues and he deferred to the Liquor Control Commission regarding any other alcohol compliance issues.

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Shane Harrington

Shane Harrington, a strip club owner, left, and Vince Valentino, an attorney hired to represent Hall County, at a Hall County Board meeting in November about zoning regulations for adult-oriented businesses. Harrington wore a camera on his hat that was recording throughout his testimony.

Posted: Friday, December 18, 2015 8:07 am

By Tracy Overstreet
World-Herald News Service

Nebraska Liquor Control Commission Director Robert Rupe said a business plan that would allow patrons of a Hastings strip club to bring their own beer to the club is not legal.

Rupe said Chapter 53 of the Nebraska Revised Statutes is clear about that. He specifically referenced section 53-186.01, which states: "It shall be unlawful for any person owning, operating, managing, or conducting any dance hall, restaurant, cafe, or club or any place open to the general public to permit or allow any person to consume alcoholic liquor upon the premises except as permitted by a license issued for such premises pursuant to the Nebraska Liquor Control Act."

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Rupe said the statute goes on to say that it's illegal to be consuming and there are penalties

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sheriff's deputies or the Nebraska State Patrol.

"This is a criminal act, so if law enforcement believes they are in violation of the statute, they would need to go in and issue a ticket and then it would go to the county attorney," Rupe said.

He did say he has been contacted by law enforcement about the Midwest Girls Club in Hastings.

"I have had inquiries from law enforcement and I have pointed them to that statute," he said.

Rupe also said that Harrington's announcement that the club will give away alcohol at select events doesn't preclude him from having a liquor license for the club. Section 53-186.01 is based on consumption, not on alcohol sales.

Harrington opened the Midwest Girls Club Dec. 3, but it was closed after three nights due to zoning and liquor license concerns raised by the city of Hastings. The zoning issues were resolved after a Dec. 8 meeting and on Dec. 16 the liquor license was surrendered for The Shed, where the Midwest Girls Club is operating.

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Liquor official: Hastings strip club business plan not legal

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Posted: Friday, December 18, 2015 6:00 pm

HASTINGS, Neb. (AP) — The director of Nebraska's Liquor Control Commission has said that a business plan allowing patrons of a Hastings strip club to bring their own beer is not legal.

The Grand Island Independent reports that Shane Harrington, the owner of Midwest Girls Club, maintains that the BYOB practice is legal because the establishment is a private membership club, which means it is private property.

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Commission director Hobert Rupe disagrees, and notes that even private golf clubs need liquor licenses under the current law.

Rupe says that he has no power to enforce statutes at the establishment, but the club will be subject to enforcement by city police, local sheriff's deputies or Nebraska State Patrol. Rupe also says that Harrington's announcement that the club will give away alcohol at select events doesn't mean that he does not have to get a liquor license. According to the director, the liquor statute is based on alcohol consumption, not alcohol sales.

"This is a criminal act, so if law enforcement believes they are in violation of the statute, they would need to go in and issue a ticket and then it would go to the county attorney," Rupe said.

The club opened Dec. 3, but closed after three nights due to zoning and liquor license concerns raised by the city. The zoning issues were resolved and the club was scheduled to reopen Thursday.

Hastings City Attorney Dave Ptak said that he deferred to the Liquor Control Commission regarding any other alcohol compliance issues.

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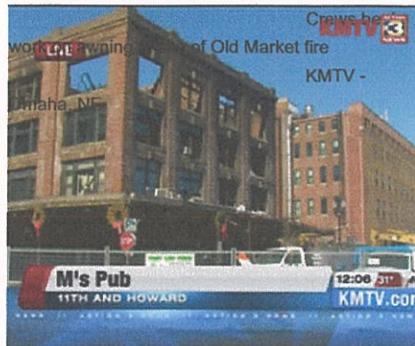
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